



Op 1302 #4A D.B. 7-28-97

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

DelDuca et al.

Serial No. 08/763,719

Filed: December 13, 1996

Title: MODIFIED ATMOSPHERE PACKAGE

Examiner: Unknown

Group Art Unit: 1302

Docket No.: PCOA:673

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PRELIMINARY AMENDMENT

Assistant Commissioner
For Patents
Washington, DC 20231

Sir:

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231, on the date below:

June 23, 1997

Michael J. Blankin

Date:

Signature

Please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please amend claims 1, 3, 5, 6, 7, 8, 9, 10, 12, 14, and 15 as follows:

- A¹ C
1. (Once Amended) A modified atmosphere package, comprising:
[an inner] a first package configured and sized to hold a retail cut of [holding] raw meat and including a non-barrier portion substantially permeable to oxygen;
[an outer] a second package covering [enclosing] said [inner] first package and being substantially impermeable to oxygen, said [outer] second package creating a pocket between said first package and said second package, said pocket being substantially free of oxygen [therein] ^{solely} in response to said [outer package] pocket being flushed with one or more gases creating a modified atmosphere within said pocket [outer package]; and
an oxygen scavenger positioned external to said first package to substantially absorb residual oxygen within said pocket [outer package], said oxygen scavenger being activated with an oxygen uptake accelerator.